

Patent  
10/039,466

REMARKS

Claims 22-24 are pending in the application. Claims 1-14, previously withdrawn from consideration, have been canceled. Rejected Claims 15-21 have also been canceled. Claim 22 is the only independent claim.

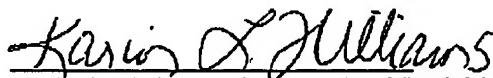
Claims 15-18 and 20-21 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,868,735 (Lafontaine) and Claim 19 was rejected under 35 USC 103(a) as being unpatentable over Lafontaine in view of US Patent 6,063,101 (Jacobsen et al.).

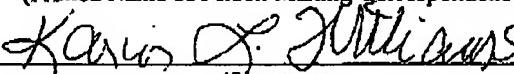
The cancellation of Claims 15-21 renders the outstanding rejections moot.

Remaining Claims 22-24 are in condition for allowance.

It is respectfully submitted that in regard to the above remarks that the pending application is patentable over the art of record and prompt review and issuance is requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

  
\_\_\_\_\_  
Karin L. Williams Registration No. 36,721

<p><u>Certificate of Facsimile Transmission</u> I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (703)872-9302 on <u>March 22, 2004</u>.</p> <p>Karin L. Williams, Reg. No. 36,721. (Printed Name of Person Mailing Correspondence)</p> <p> (Signature)</p>
---

Patent  
10/039,466

**Please Continue to Send All Correspondence to:**

Mark D. Wieczorek  
Innercool Therapies, Inc.  
3931 Sorrento Valley Blvd.  
San Diego CA 92121